रजिस्ट्री सं० डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 5] नई दिल्ली, शुक्रवार, फरवरी 1, 1980/माघ 12, 1901
No. 5] NEW DELHI, FRIDAY, FEBRUARY 1, 1980/MAGHA 12, 1901

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

## RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 1st February, 1980:—

I

BILL NO. XVIII OF 1979

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Thirtieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1979. Short title.

2. After article 24 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 24A.

*"Right to Strike*

24A. All workers, agricultural, industrial or otherwise shall have the right to strike if their disputes with their employers are not settled by mutual negotiations.". Right of workers to strike.

## STATEMENT OF OBJECTS AND REASONS

The full flowering of democracy is another name of socialism, accepted by our people and Parliament as the realizable goal for social progress. Democracy is retarded if the workers, be they in the industrial or in the agricultural sectors, and be they in the private or in public sectors are denied the right to strike if their economic or other grievances in their working process are not removed by mutual discussions with the employers. This right to strike needs to be enshrined explicitly in the Constitution of a democratic country for making the Constitution compatible with that ideal.

Hence this Bill.

SHIVA CHANDRA JHA.

II

BILL NO. XIX OF 1979

*A Bill to provide for Filibusters in Parliament and matters incidental thereto.*

BE it encated by Parliament in the Thirty-first Year of the Republic of India as follows:—

**Short title and commencement.**

1. (1) This Act may be called the Filibusters in Parliament Act, 1980.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

**Filibusters in Parliament.**

2. (1) There shall be a Filibuster in each House of Parliament.

(2) The members of the Council of States and the members of the House of the People shall, as soon as may be, choose a member each from among themselves to be a Filibuster in the respective House and, so often as the office of Filibuster becomes vacant in each House, the respective House shall choose another member to be a Filibuster thereof.

**Duty of Filibusters.**

3. It shall be the duty and the right of the Filibuster of each House to filibuster or obstruct by his speeches the proceedings of the House, particularly those initiated by the Government.

Vacation and resignation of, and removal from, the Office of Filibuster.

4. A member holding the office of Filibuster in the Council of States or the House of the People—

(*a*) shall vacate his office if he ceases to be a member of the Council of States or the House of the People, as the case may be;

(*b*) may resign his office at any time, by writing under his hand addressed to the Chairman or the Speaker, as the case may be;

(*c*) may be removed from his office by a resolution of the respective House passed by a majority of all the then members of that House:

Provided that no resolution for the purpose of clause (*c*) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution.

Salary of Filibusters.

**5. The Filibusters shall be entitled to the same salary, allowances and other facilities and amenities as provided in the case of Leaders of Opposition in Parliament under the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977.** 33 of 1977.

---

## STATEMENT OF OBJECTS AND REASONS

In a democracy the Members of the Legislative bodies, like the Lok Sabha and the Rajya Sabha, have every right to be forceful in opposing what they think should be opposed. They are, further, fully entitled to be vociferous on any situation, if so needed, even on the floor of the House. But such vociferous and even noisy scenes need to be planned. For this it becomes imperative to create the office of a Filibuster who should be elected by the Members of the respective Houses of Parliament. The Filibuster would participate in tht proceedings of the House and would be entitled to the time as allotted to him by the Business Advisory Committee of each House.

Hence this Bill.

SHIVA CHANDRA JHA

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for a Filibuster in each House of Parliament. Clause 5 of the Bill provides for the salary, allowances and other entitlements of each Filibuster to be the same as are provided in the case of the Leaders of Opposition in Parliament under the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977.

2. The expenditure towards the above payments are, therefore, not such as could be precisely estimated at this stage. However, the expenditure will, approximately, be two lakh rupees per annum.

3. There will be no non-recurring expenditure.

## III

BILL No. XX OF 1979

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1980. Short title.

2. In article 4 of the Constitution,— Amendment of article 4.

(*a*) in the marginal heading for the words "First and the Fourth Schedules" the words "First Schedule" shall be substituted; and

(*b*) in clause (1) the words "and the Fourth Schedule" shall be omitted.

3. In article 80 of the Constitution,— Amendment of article 80.

(*i*) in clause (*1*), for sub-clause (*b*), the following sub-clause shall be substituted, namely:—

"(*b*) four representatives of each of the States and of the Union territories.";

(*ii*) Clause (2) shall be omitted.

4. The Fourth Schedule to the Constitution shall be omitted. Omission of the Fourth Schedule.

## STATEMENT OF OBJECTS AND REASONS

The present heavy representation in the Council of States is unnecessarily extravagant. Further, it does not reflect equality among the States and the Union territories *inter se*. However, socialism, which has been accepted by our people and Parliament as the realizable goal for social development, demands that a curb should be put on this unnecessary extravagance and all the States and the Union territories should be put on an equal footing in the matter of representation in the Council of States.

The Constitution, therefore, needs to be amended for making it compatible with the requirements of socialism.

Hence this Bill.

SHIVA CHANDRA JHA

S. S. BHALERAO,
*Secretary-General.*

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1980